

AMENDATORY SECTION (Amending WSR 07-04-087, filed 2/6/07, effective 3/9/07)

WAC 232-12-828 Hunting of game birds and animals by persons with a disability. (1) Definitions:

(a) "Hunter with a disability" means a person with a permanent disability who possesses a disabled hunter permit issued by the department. A hunter with a disability must have all required licenses, tags, permits, and stamps before hunting.

(b) "Disabled hunter permit" means a permit, card, or endorsement to a license issued by the department to any person with a permanent disability who applies to the department and presents such evidence as the director may require showing that the applicant is a person with a qualifying disability. Upon approval of the application, the department will issue a vehicle identification placard. A designated hunter companion card will be issued with a hunting license.

(c) "Designated hunter companion" means a person who assists a hunter with a disability in the stalking, shooting, tracking, retrieving, or tagging of game birds and game animals.

(d) "Designated hunter companion card" means an identification card issued by the department to the hunter with a disability.

(e) "Blind or visually impaired" means a central visual acuity that does not exceed 20/200 in the better eye with corrective lenses, or the widest diameter of the visual field does not exceed twenty

degrees.

(f) "Accompany" means the hunter with a disability and the designated hunter companion are in the physical presence of each other, not to exceed a 1/4-mile separation. While stalking or shooting an animal, the hunter with a disability and the designated hunter companion must have a form of reliable and direct communication.

(g) "Special use permit" means a permit issued by the department to a person with a specific permanent disability as a reasonable accommodation. The special use permit allows for a specific act or acts to include, but not be limited to, use of adaptive mechanical, electrical, or specialty equipment or devices that aid the person in hunting.

(h) "Person with a disability" means:

(i) A person who has a permanent disability and is not ambulatory over natural terrain without a lower extremity prosthesis or must permanently use a medically prescribed assistive device for mobility, including, but not limited to, a wheelchair, crutch, cane, walker, or oxygen bottle; or

(ii) A person who has a permanent disability and is physically incapable of holding and safely operating a firearm or other legal hunting device.

This definition includes, but is not limited to, persons with a permanent upper or lower extremity impairment who have lost the use of one or both upper or lower extremities, or who have a severe limitation in the use of one or both upper or lower extremities, or who have a diagnosed permanent disease or disorder which

substantially impairs or severely interferes with mobility or the use of one or both upper or lower extremities for holding and safely operating a firearm or other legal hunting device; or

(iii) A person who is blind or visually impaired.

(i) "Public highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel as defined in RCW 46.04.197.

(2) The designated hunter companion must accompany the hunter with a disability when stalking or shooting game on behalf of the hunter with a disability. The hunter with a disability or the designated hunter companion must immediately cut, notch, or date any required tag. The tag must be affixed to the carcass of the game bird or animal as soon as is reasonably possible after killing the game.

(3) The designated hunter companion does not need to accompany the hunter with a disability while tracking an animal wounded by either hunter, or while tagging or retrieving a downed animal on behalf of the hunter with a disability.

(4) It is unlawful for a designated hunter companion to assist a hunter with a disability unless the designated hunter companion has the designated hunter companion identification card on his or her person.

(5) It is unlawful for a hunter with a disability to shoot from a motor vehicle, unless the vehicle is stopped, the motor is turned off and the vehicle is removed from the maintained portion of a public highway. If the roadway is not paved, and it is impossible for the

hunter with a disability to completely remove the vehicle from the roadway, then the hunter may shoot from the vehicle if the vehicle is as far off the roadway as possible. A disabled hunter vehicle identification placard must be displayed.

(6) It is unlawful for any person to possess a loaded firearm in or on a motor vehicle, except if the person is a hunter with a disability and the vehicle is in compliance with subsection (5) of this section.

(7) Game birds or game animals killed, tagged or retrieved by a designated hunter companion on behalf of a hunter with a disability do not count against the designated hunter companion's bag or possession limit.

(8) A designated hunter companion shooting game for or who may be shooting game for a hunter with a disability must have a valid hunting license issued by Washington or another state.

(9) Special use permits.

(a) The director may develop conditions and criteria for administering and issuing special use permits.

(b) The hunters and fishers with disabilities advisory committee established in RCW 77.04.150 may assist the department in evaluating requests and criteria for issuing special use permits.

(c) Special use permits must be carried on the person acting under or using devices authorized by the permit.

(d) The terms for use granted by a special use permit, when provided as a reasonable accommodation, shall supersede other hunting or fishing rules and restrictions.

[Statutory Authority: RCW 77.12.047. 07-04-087, § 232-12-828, filed 2/6/07, effective 3/9/07. Statutory Authority: RCW 77.12.047 and 77.12.020. 04-11-036 (Order 04-98), § 232-12-828, filed 5/12/04, effective 6/12/04. Statutory Authority: RCW 77.12.047. 03-10-040 (Order 03-85), § 232-12-828, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 77.32.237. 96-03-084 (Order 96-07), § 232-12-828, filed 1/18/96, effective 2/18/96.]